

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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JAMARR EDWARD CASSO,

Civil No. 08-5128 (MJD/AJB)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

KAY SAILER, RON WELLS,  
JOAN FABIAN, PEG LARSON, and  
BRENDA DOE?,

Defendants.

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Plaintiff commenced this action on September 8, 2008, by filing a self-styled complaint, and an application seeking leave to proceed in forma pauperis, ("IFP"). (Docket Nos. 1 and 3.) The Court previously examined Plaintiff's complaint, and determined that it was deficient in several respects. Therefore, by order dated September 22, 2008, (Docket No. 5), the Court directed Plaintiff to file an amended complaint by no later than October 18, 2008. The order expressly informed Plaintiff that if he did not file an amended complaint by the specified deadline, the Court would recommend that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b).

The deadline for filing an amended complaint has now expired, and Plaintiff has not filed any new pleading, nor has he offered any excuse for his failure to do so. Indeed, Plaintiff has not communicated with the Court at all since he commenced this action nearly two months ago. Therefore, the Court will now recommend, in accordance with the prior order, that this action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8<sup>th</sup> Cir. 2008)

(unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that:

1. Plaintiff’s Application To Proceed In Forma Pauperis, (Docket No. 2), be **DENIED**;  
and
2. This action be **DISMISSED WITHOUT PREJUDICE**.

Dated: October 29, 2008

s/ Arthur J. Boylan  
ARTHUR J. BOYLAN  
United States Magistrate Judge

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before November 13, 2008.